

the occupation, county of residence and postoffice address of such person, signing and acknowledging same as above provided, and may file the same with the State chairman within the time above mentioned with the same effect as if such request has been filed by the party named therein as a candidate for such nomination. And the chairman and secretary of the State committee shall forthwith cause to be mailed to the chairman and secretary of every county committee of the party in the State the name of such candidate for United States Senator, with instructions that it be placed on the official ballot of such county. All requests shall be considered filed with the State chairman when they are sent from any point within the United States by registered mail, addressed to the State chairman at his postoffice address. On the first Saturday following such special primary election, the county executive committee of each county in this State, shall meet and canvass the returns of such election, and shall immediately thereafter certify by its chairman and secretary the result of said election and forward same to the State chairman. The State executive committee shall meet at a time not later than fifteen (15) days after the date of said special primary and canvass and tabulate the returns of said election as certified by the county chairman, and the candidate receiving the highest number of votes cast at such primary shall be the nominee of the party for such office; and the State chairman shall order the name of such candidate placed upon the official ballot of said party.

Sec. 9. The fact that there is now no law upon the statutes of this State providing for the appointment, nomination and election of United States Senators, and the fact that a vacancy might occur at any time in the representation of the State of Texas in the Senate of the United States creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

ADJOURNMENT.

On motion of Senator Hudspeth, the Senate, at 5:30 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

EIGHTH DAY.

Senate Chamber,
Austin, Texas,
Tuesday, July 29, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Johnson.
Bailey.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Watson.

Absent—Excused.

Lattimore.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Johnson.

(See Appendix for petitions and memorials and standing committee reports.)

Morning call concluded.

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Hudspeth:

Be it resolved by the Senate, That the Secretary and Journal Clerk be allowed, jointly, postage to the amount of \$3.00 for the session.

The resolution was read and adopted.

SENATE CONCURRENT RESOLUTION NO. 1.

The Chair laid before the Senate, as the pending business, Senate Concurrent Resolution No. 1, with House amendments, the question being on the motion by Senator Terrell to non-concur in the House amendments and request a Free Conference Committee, and a substitute

motion by Senator Brelsford to concur in the House amendments. (See yesterday's Journal for the proceedings.)

Action recurred on the substitute motion by Senator Brelsford that the Senate concur in the House amendment.

Senator Gibson made the point of order that the House amendment was not germane to the resolution.

Senator Warren also made the point of order that the amendment was not germane to the resolution in that the original resolution provided for the withholding of the funds received from the Standard Oil Company fine from the general revenue, while the amendment provided for the disposition of the funds and in view of that fact it had not been properly passed by the House, in that no roll call was taken on its passage, as is required in the passage of a law carrying an appropriation, holding that the same should take the course of a bill.

The Chair, Lieutenant Governor Mayes, sustained the point of order, holding that the Senate had passed a bill making disposition of the funds in question and that the amendment to the resolution sought to make disposition of the funds and was not germane to the resolution dealing with the withholding of the funds from the general revenue.

Senator Morrow here made the further point of order that in view of the fact that the House amendment had been held not germane to the resolution and the Senate had nothing before it to refer to a Free Conference Committee and the resolution should be returned to the House for further action, in that the holding of the amendment not germane rendered the House action on the resolution incomplete.

The Chair sustained the point of order.

SENATE BILL NO. 3.

The Chair laid before the Senate, on third reading,

Senate bill No. 3, A bill to be entitled "An Act providing for the election of United States Senators by a direct vote of the people in accordance with the recent amendment to the Federal Constitution; providing that when vacancies happen in the representation of this State in the Senate of the United States that the Governor may make temporary appointments and shall issue the necessary writs of election to fill such vacancy, and also providing for the holding of primaries by political parties for the nominations of candidates for the

United States Senate, and declaring an emergency."

Senator Wiley offered the following amendment:

Amend the bill, Section 7b, as follows: Change the amount of money permitted to be expended by a candidate from "\$5000" to "\$10,000."

WILEY,
McNEALUS.

The amendment was read and lost by the following vote:

Yeas—13.

Astin.	Harley.
Bailey.	McNealus.
Clark.	Morrow.
Conner.	Nugent.
Cowell.	Real.
Darwin.	Wiley.
Gibson.	

Nays—10.

Brelsford.	Taylor.
Collins.	Terrell.
Greer.	Townsend.
Johnson.	Warren.
McGregor.	Westbrook.

Present—Not Voting.

Carter.

Absent.

Hudspeth.	Willacy.
Watson.	

Absent—Excused.

Lattimore.

Senator Nugent offered the following amendment:

Amend the bill, page 3, line 25, by striking out the word "thirty" and figures "30" in parenthesis and inserting in lieu thereof "fifteen (15)."

The amendment was read and adopted by the following vote:

Yeas—24.

Astin.	Johnson.
Bailey.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Westbrook.
Greer.	Wiley.
Harley.	Willacy.

Absent.

Hudspeth.	Watson.
McGregor.	

Absent—Excused.

Lattimore.

Senator Morrow offered the following amendment:

Amend the bill, page 4, line 7, by inserting after the word "nomination" the following: "provided said petition shall be indorsed by the candidate as provided in Section 5 hereof."

The amendment was read and adopted by the following vote:

Yeas—24.

Astin.	McGregor.
Bailey.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Greer.	Westbrook.
Harley.	Wiley.
Johnson.	Willacy.

Absent.

Gibson.	Watson.
Hudspeth.	

Lattimore. Absent—Excused.

Senator Wiley offered the following amendment:

Amend Section 2 by inserting the following after the word "people" in last line: "Provided that in the event the Legislature should be in session at the time such vacancy occurred or at the time such vacancy should be filled, then the Legislature shall elect a United States Senator to represent the State in the Senate until the election and qualification of a Senator elected by the people."

WILEY,
McNEALUS.

The amendment was read and Senator Brelsford made the point of order that the amendment to the Constitution of the United States, as ratified by this Legislature at the Regular Session, provided that the Governor appoint to fill a vacancy in the United States Senate pending the election by the people and had taken away the right of the Legislature to elect to fill a vacancy.

The Chair sustained the point of order.

The bill was read third time and passed by the following vote:

Yeas—26.

Astin.	Johnson.
Bailey.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Watson.

Absent—Excused.

Lattimore

Senator Taylor moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senators Brelsford and Bailey:

Resolved, That the Senate accepts with pleasure the courteous invitation from the Senator from Travis to be his guests at his country home next Tuesday afternoon, and anticipating that his role of host will be performed with the same grace, fidelity and success that has marked his career as a citizen in private life, and, as a statesman, humanitarian and publicist, the Senate assures the Senator of its appreciation of the opportunity to meet him as his guests on the day mentioned.

The resolution was read and adopted.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, July 29, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

Senate Concurrent Resolution No. 2, Relating to printing report of the Penitentiary Investigating Committee, with amendments.

House Concurrent Resolution No. 5,

Relating to pay of Penitentiary Investigating Committee.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

HOUSE CONCURRENT RESOLUTION REFERRED.

The Chair had referred, after its caption had been read, the following House concurrent resolution:

House Concurrent Resolution No. 2, referred to Committee on Contingent Expenses.

SENATE CONCURRENT RESOLUTION NO. 2—HOUSE AMENDMENTS CONCURRED IN.

Senator Warren called up Senate Concurrent Resolution No. 2, with the following House amendments:

Amend so as to provide for the printing of 4350 copies, 25 copies to be furnished to each member of the House, 25 copies to each Senator and the Lieutenant Governor, the expense to be borne by each house according to the number of copies received, the work to be done as soon as possible.

The above amendment was read, and on motion of Senator Warren the same was concurred in by the Senate.

BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Warren:

Senate bill No. 6, A bill to be entitled "An Act to amend Chapters 1 and 2, Title 104, Revised Civil Statutes of 1911, the same being an act passed by the Fourth Called Session of the Thirty-first Legislature, and entitled 'An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners as herein defined shall be permitted to testify in certain cases; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the

purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act,' and declaring an emergency."

Read first time and referred to Committee on Penitentiary Affairs.

REPORT OF INDETERMINATE SENTENCE COMMITTEE.

The President laid before the Senate and had read, the following report of the Indeterminate Sentence Committee:

Austin, Texas, July 21, 1913.

To the Senate and House of Representatives, Austin, Texas:

We, your committee appointed by Senate Concurrent Resolution No. 10 to visit the penitentiary and its branches, and to give each and every convict so deserving an opportunity to make application for hearing, and to be heard in behalf of his application for release, and to investigate the merits of each case and report its findings to the Governor, beg leave to report as follows:

Your committee began its labors in the city of Austin on May 5, and has prosecuted its work continuously since that date.

The committee has examined the records of approximately four thousand convicts in the penitentiary, and has personally heard the application of approximately one thousand convicts, and of the number so investigated we have recommended to the Governor for executive clemency about four hundred and fifty.

In the prosecution of this work, we have incurred an expense of approximately three thousand dollars. In response to a request from the Comptroller as to the validity of the resolution creating this committee and appropriating money to pay its expenses, the Attorney General of Texas has held that the resolution was ineffectual to appropriate any of the public fund, and hence the Comptroller has declined to issue warrants to the members of the committee, and the work has been prosecuted and expenses defrayed by the individual members of the committee, with the expectation that your body would

take such action as is necessary to reimburse them.

In the discharge of the duties imposed upon us, we have listened to many pitiful and heartrending tales of human misery and suffering, and heard horrible and revolting recitals of degradation and shame, and have been impressed with the woeful and the material wants of the prisoners. Half-starved mothers, wives of convicts, surrounded by troops of poorly fed and illy clad children have appeared before the committee, and begged for the pardon of husband and father in order that they might escape starvation. Strong men, prisoners in the penitentiary, have come before us and wept like little children while pleading to be given a chance to make a living for their wives and children. In many instances these unfortunate women and children follow the prisoners to the places of confinement, there to become charges upon the public bounty and in many instances ultimately to drift into lives of shame and crime. There is little chance for the reformation of a prisoner when he is daily confronted with the spectacle of a starving wife and hungry children, surely drifting into the depths of despair and degradation, and it is a miserable system that while failing to reform the father, with almost absolute certainty makes criminals and public charges of his wife and children. Every consideration of humanity and Christian charity demands that provision be made for the care of the indigent families of convicts, the innocent victims of man's misfortune or depravity.

Many worthy men are confined in the penitentiary, who by reason of a lack of means, friends, influence or opportunity, never come to the notice of the pardoning power. It is impossible for the Governor to give attention to individual cases, and equally impossible for the pardoning board to have personal knowledge of these friendless prisoners, as the law makes no appropriation for traveling expenses or clerical hire for the pardoning board. Much good could be done, and many cases of reformation effected, if provision were made for looking after the cases of these individuals, in order that any man confined in prison might feel and know that good conduct and meritorious service in the penitentiary would meet with sure and certain recognition, no matter how poor and friendless the individual might be.

We are glad to report that the number of vicious convicts in the peniten-

tiary is small, and that those classed as incorrigibles are indeed very few, and that the overwhelming majority of the prisoners are serving their sentences with good records for the faithful discharge of duty, and obedience to prison discipline.

We have made very careful and painstaking investigation into the case of every prisoner we have recommended for executive favor, and have recommended no man until we were fully satisfied that he was entitled to favorable consideration by the Governor and that he would be benefited thereby. If we have erred, it has been on the side of mercy and humanity, and we entertain the profound conviction that if the recommendations of your committee are adopted by the Chief Executive that the effect upon the other convicts in the penitentiary would be to stimulate them to renewed hope and better living.

We congratulate the Thirty-third Legislature upon its action in appointing a committee to do this work. It is the first time in the history of civilization that a Legislature has ever sought to save a human being from the consequences of his sin by giving him another chance to be a man.

Respectfully submitted,
WILL H. MAYES, Chairman.
D. M. REEDY,
W. L. HILL,
GEO. WAVERLEY BRIGGS,
F. C. WEINERT.

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator McNealus:

Resolved, That in addition to the 4350 copies of the Penitentiary Committee report, ordered by concurrent resolution, 500 copies more be ordered for the use of the Senate and the office of the Secretary of State.

McNEALUS,
WARREN,
BRELSFORD.

The resolution was read and adopted.

ADJOURNMENT.

On motion of Senator Johnson, the Senate, at 12 o'clock m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.**PETITIONS AND MEMORIALS.**

Lieutenant Governor Mayes presented a petition from the Texas Federation of Women's Clubs, requesting appropriation for exhibit at Panama-Pacific Exposition.

COMMITTEE REPORT.

Committee Room,
Austin, Texas, July 29, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills, have carefully examined and compared

Senate bill No. 3, A bill to be entitled "An Act providing for the election of United States Senators by a direct vote of the people in accordance with the recent amendment to the Federal Constitution; providing that when vacancies happen in the representation of this State in the Senate of the United States that the Governor may make temporary appointments and shall issue the necessary writs of election to fill such vacancy, and also providing for the holding of primaries by political parties for the nominations of candidates for the United States Senate, and declaring an emergency."

And find the same correctly engrossed.
BRELSFORD; Chairman.

NINTH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, July 30, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	Hudspeth.
Bailey.	Johnson.
Brelsford.	McGregor.
Carter.	McNealus.
Clark.	Morrow.
Collins.	Nugent.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Harley.	Watson.

Westbrook. Willacy.
Wiley. Absent—Excused.

Lattimore.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with, on motion of Senator Taylor.

(See Appendix for standing committee reports.)

ADDITION TO COMMITTEE ON STATE PENITENTIARIES.

Senator Hudspeth moved that Senator Willacy be added to Committee on State Penitentiaries.

The motion prevailed.

SIMPLE RESOLUTION.

By Senator Collins:

Whereas, By resolution passed by the Regular Session of the Thirty-third Legislature, a committee was appointed to hear evidence of and concerning convicts confined in the penitentiary relative to their right to executive clemency under the provisions of the indeterminate sentence law passed by said Legislature; and

Whereas, Said committee has performed its labors with painstaking and great patience, and after hearing much evidence has recommended to the Governor that he exercise executive clemency in about four hundred cases of worthy convicts, who by their good deportment have proven themselves entitled to their freedom and their right again to enter upon the peaceful pursuits of life to earn a livelihood for those whom God has made dependent upon them; therefore, be it

Resolved by the Senate of Texas, That we heartily endorse the action of said committee and tender to it our sincere thanks for its splendid and unselfish service in the interest of humanity, and that we heartily concur in the recommendation of said committee for executive clemency, and that we hereby respectfully implore the Governor to act upon said recommendation and restore to their wives and children those convicts found by said committee to be worthy of their liberty.

The resolution was read, directed to be printed in the Journal and made a special order for tomorrow after the conclusion of the morning call.